

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: King of Parker, Paul, Cain, Patterson,  
Schofield, et al.

H.B. No. 2283

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prohibition of certain contributions and donations  
3 for the administration of elections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 31, Election Code, is  
6 amended by adding Section 31.126 to read as follows:

7 Sec. 31.126. PROHIBITED CONTRIBUTIONS. (a) The joint  
8 elections commission, county election commission, and county  
9 election board may not:

10 (1) accept a contribution of \$1,000 or more, including  
11 the value of in-kind donations, offered by:

12 (A) a private individual;

13 (B) a business entity, including a:

14 (i) corporation;

15 (ii) partnership; or

16 (iii) trust; or

17 (C) another third party; or

18 (2) use a contribution described by Subdivision (1) to  
19 perform a function of administering elections.

20 (b) The joint elections commission, county election  
21 commission, and county election board may accept a contribution of  
22 less than \$1,000 only with written consent from the relevant  
23 political subdivision.

24 (c) This section does not prohibit the acceptance of:

1           (1) an in-kind contribution of food or beverage for  
2 election workers during the administration of an election;

3           (2) any state or federal funds administered or  
4 distributed by the secretary of state, including funds administered  
5 and distributed under Section 31.009, or other state or federal  
6 funds made available to political subdivisions to perform a  
7 function related to elections; or

8           (3) an offer for use, without charge or for a reduced  
9 fee, of a public or private building or a portion of a building for  
10 the purposes of conducting an election, including for use as a  
11 polling place designated under Chapter 43.

12           SECTION 2. Section 81.032, Local Government Code, is  
13 amended to read as follows:

14           Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a)  
15 Except as provided by Subsection (b), the [The] commissioners court  
16 may accept a donation of labor or services, gift, grant, donation,  
17 bequest, or devise of money or other property on behalf of the  
18 county, including a donation under Chapter 38, Government Code, for  
19 the purpose of performing a function conferred by law on the county  
20 or a county officer.

21           (b) The commissioners court may not:

22                   (1) accept a donation of \$1,000 or more for the purpose  
23 of administering elections; or

24                   (2) use or appropriate a donation described by  
25 Subsection (a) to perform a function of administering elections.

26           (c) This section does not prohibit the acceptance of:

27                   (1) an in-kind contribution of food or beverage for

1 election workers during the administration of an election; or  
2 (2) any state or federal funds administered or  
3 distributed by the secretary of state, including funds administered  
4 and distributed under Section 31.009, Election Code, or other state  
5 or federal funds made available to political subdivisions to  
6 perform a function related to elections.

7 SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2021.

ADOPTED

MAY 25 2021

H. Lacey Spivey  
Secretary of the Senate  
H.B. No. 2283

By: Buador Ceyntor

Substitute the following for H.B. No. 2283:

By: Bryan Hughes

C.S.H.B. No. 2283

A BILL TO BE ENTITLED

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AN ACT

2 relating to the prohibition of certain contributions and donations  
3 for the administration of elections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 31, Election Code, is  
6 amended by adding Section 31.126 to read as follows:

7 Sec. 31.126. PROHIBITED CONTRIBUTIONS. (a) Without the  
8 written consent of the secretary of state, the joint elections  
9 commission, county election commission, and county election board  
10 may not:

11 (1) accept a contribution of \$1,000 or more, including  
12 the value of in-kind donations, offered by:

13 (A) a private individual;

14 (B) a business entity, including a:

15 (i) corporation;

16 (ii) partnership; or

17 (iii) trust; or

18 (C) another third party; or

19 (2) use a contribution described by Subdivision (1) to  
20 perform a function of administering elections.

21 (b) The secretary of state may grant consent under  
22 Subsection (a) only if:

23 (1) the secretary consults with the governor, the  
24 lieutenant governor, and the speaker of the house of

1 representatives on the proposed donation; and

2 (2) the governor, the lieutenant governor, and the  
3 speaker of the house of representatives unanimously agree to the  
4 secretary's grant of consent.

5 (c) The joint elections commission, county election  
6 commission, and county election board may accept a contribution of  
7 less than \$1,000 only with written consent from the relevant  
8 political subdivision.

9 (d) This section does not prohibit the acceptance of:

10 (1) an in-kind contribution of food or beverage for  
11 election workers during the administration of an election;

12 (2) any state or federal funds administered or  
13 distributed by the secretary of state, including funds administered  
14 and distributed under Section 31.009, or other state or federal  
15 funds made available to political subdivisions to perform a  
16 function related to elections; or

17 (3) an offer for use, without charge or for a reduced  
18 fee, of a public or private building or a portion of a building for  
19 the purposes of conducting an election, including for use as a  
20 polling place designated under Chapter 43.

21 SECTION 2. Section 81.032, Local Government Code, is  
22 amended to read as follows:

23 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) The  
24 commissioners court may accept a donation of labor or services,  
25 gift, grant, donation, bequest, or devise of money or other  
26 property on behalf of the county, including a donation under  
27 Chapter 38, Government Code, for the purpose of performing a

1 function conferred by law on the county or a county officer.

2 (b) The commissioners court may not accept a donation  
3 described in Subsection (a) of over \$1,000 for use in administering  
4 elections without the written consent of the secretary of state.

5 (c) The secretary of state may grant consent under  
6 Subsection (b) only if:

7 (1) the secretary consults with the governor, the  
8 lieutenant governor, and the speaker of the house of  
9 representatives on the proposed donation; and

10 (2) the governor, the lieutenant governor, and the  
11 speaker of the house of representatives unanimously agree to the  
12 secretary's grant of consent.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2021.

ADOPTED

MAY 24 2021

*Lacey Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Bryan Hughes*

1 Amend H.B. 2283 (senate committee report) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS accordingly:

4 SECTION \_\_\_\_ . Section 405.005, Government Code, is amended by  
5 adding Subsections (c) and (d) to read as follows:

6 (c) The secretary of state shall ensure that any gift, grant,  
7 or donation accepted under Subsection (a) to perform a function of  
8 administering elections is equitably distributed throughout the  
9 state based on a percentage of the population of each county or  
10 another method determined by the secretary.

11 (d) Not later than January 1 of each odd-numbered year, the  
12 secretary shall submit a report to the governor, the lieutenant  
13 governor, and the speaker of the house of representatives that  
14 includes a detailed summary of any gifts, grants, or donations  
15 described by Subsection (a) and the manner in which those amounts  
16 were expended in the administration of an election.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB2283** by King, Phil (Relating to the prohibition of certain contributions and donations for the administration of elections.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

Among other provisions, the bill would prohibit certain contributions and donations for the administration of elections without the written consent of the Secretary of State. According to that agency, no significant fiscal impact is anticipated.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, CMA, SMAT, GP, SLE, ANE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 20, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB2283** by King, Phil (relating to the prohibition of certain contributions and donations for the administration of elections.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code related to prohibited contributions and require the written consent of the Secretary of State in certain circumstances.

According to the Secretary of State, no significant fiscal impact is anticipated.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SMAT, GP, SLE, CMA, ANE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 16, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB2283** by King, Phil (Relating to the prohibition of certain contributions and donations for the administration of elections.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code related to prohibited contributions.

No significant fiscal impact is anticipated.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SMAT, GP, SLE, CMA, ANE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 16, 2021**

**TO:** Honorable Briscoe Cain, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2283** by King, Phil (relating to the prohibition of certain contributions and donations for the administration of elections.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill's provisions relating to the prohibition of certain contributions and donations for the administration of elections could be absorbed using existing resources.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SLE, CMA, ANE, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 6, 2021**

**TO:** Honorable Briscoe Cain, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2283** by King, Phil (Relating to the funding of and expenditures made by certain bodies governing elections.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the costs associated with the bill's provisions relating to the funding of and expenditures made by certain bodies governing elections could be absorbed using existing resources.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SLE, CMA, ANE, GP